

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EASTERN SAVINGS BANK,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 04-347 JJF
	:	
CAROLINE P. AYERS-FOUNTAIN,	:	
	:	
Defendant.	:	

**FINAL ORDER GRANTING MOTION TO REMAND TO THE SUPERIOR COURT OF
DELAWARE IN AND FOR NEW CASTLE COUNTY**

The Motion of Plaintiff Eastern Savings Bank, a Federal Savings Bank, to remand the above-entitled action to the Superior Court of Delaware in and for New Castle County, in which it was originally brought, having regularly come to be heard by this Court, and this Court having considered such motion, brief in support or motion, and the Affidavit of John R. Weaver, Jr., Esquire, filed therewith, and the Court concludes that this action is not founded upon a claim or right arising under the Constitution or laws of the United States, and is, therefore, not an action over which this Court may exercise jurisdiction.

NOW THEREFORE IT IS HEREBY ORDERED that:

1) Plaintiff's Motion To Remand Matter To The Superior Court Of Delaware In And For New Castle County (D.I. 5) is **GRANTED**;

2) This cause is remanded to the Superior Court of Delaware in and for New Castle County, and a certified copy of this Order shall be mailed by the Clerk of this Court to the Clerk of the Superior Court of Delaware in and for New Castle County, and the

Clerk of this Court is directed to forward the file of the above matter to such court for further proceedings, retaining the original notice of the removal action filed herein;

3) Plaintiff Eastern Savings Bank, a Federal Savings Bank, is awarded costs.

March 31, 2005
DATE

Joseph D. Fain
UNITED STATES DISTRICT JUDGE